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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------|------------------------|
| 10/031,360 | 05/10/2002 | Koichi Komoda | 967 023 | 2576 |
| 20874 7590 10/19/2007 MARJAMA MULDOON BLASIAK & SULLIVAN LLP 250 SOUTH CLINTON STREET SUITE 300 SYRACUSE, NY 13202 | | | EXAMINER HASAN, SYED Y | |
| | | | ART UNIT 2621 | PAPER NUMBER |
| | | | MAIL DATE 10/19/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/031,360

Applicant(s)

KOMODA, KOICHI

Examiner

Syed Y. Hasan

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6, 10, 13, 21-23, 26, 29, 42 and 82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6, 10, 13, 21-23, 26, 29, 42 and 82 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :07/09/2002, 06/07/2004, 06/10/2004, 09/13/2004, 04/08/2005..

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 6, 10, 13, 18, 21, 22, 23, 26, 29, 42 and 82 filed on 08/03/2007 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 6, 10, 13, 18, 21, 22, 23, 26, 29, 42 and 82 are rejected under 35 U.S.C. 102(a) as being anticipated by Aoyama et al (US 6810200)

Regarding **claim 6** Aoyama et al discloses a playback/recording apparatus for performing transfer of contents recorded on an erasable storage medium, between apparatuses:

said playback/recording apparatus comprising a playback apparatus as a first apparatus (fig 2, 1080 and 1071, col 6, lines 10 – 16, illustrates the combination of CD 1080 and data storage unit 1071 comprise the first apparatus) a recording apparatus as a second apparatus (fig 2, 1090, and fig 3, 1200 and 1090, col 6, lines 55 - 61, recording apparatus) and a transmission line such as a transmission cable or the like for connecting the first and second apparatuses (fig 3, 1090, col 6, lines 65 – 67, SD card 1090 loads music data and becomes the transmission media)

said first apparatus comprising:

a first authentication means for performing mutual authentication (fig 2, 1080, 1071, 1090, col 10, lines 57 – 60, illustrate the restriction of copying data) and transfer of contents between itself and the second apparatus (col 11, lines 1 – 8, illustrates copying of data from CD to HD and SD card)

a playback means for reproducing contents recorded on a first storage medium (fig 2, 1010, col 5, lines 41 – 43 reads data from CD) and outputting the reproduced contents (col 6, lines 10 – 15, outputs the reproduced contents on SD and data storage)

a detection means for detecting copyright information of the contents (fig 2, 1020, col 5, lines 60 – 67, judges or detects copyright information)

an erasing means for erasing the contents from the first storage medium (col 10, lines 9 – 13, illustrates data from HD being deleted as soon as it is written onto SD card)

an encryption means for encrypting the output from the playback means, and outputting the encrypted data (col 12, lines 19 – 22, illustrates encrypting the output and col 6, lines 43 – 47)

said second apparatus comprising:

a second authentication means for performing mutual authentication (fig 2, 1020, col 6, lines 1 – 4 illustrates authentication) and transfer of contents between itself and the first apparatus (fig 2, 1020, col 6, lines 5 – 9 illustrates transfer of contents)

a decryption means for decrypting the encrypted data (col 4, 8 – 12 illustrates decrypting if encrypting is also taking place as shown above)

a recording means for recording the contents on a second storage means (fig 2, 1090, col 6, lines 5 – 8, writes data on SD card)

wherein, when performing transfer of the contents, mutual authentication is carried out between the first authentication means and the second authentication means, the contents are reproduced by the playback means and outputted and, when the output of the detection means indicates that the contents are copy-inhibited, data of the contents are encrypted by the encryption means and outputted, the contents are erased from the first storage medium by the erasing means, the encrypted data are decrypted by the decryption means and outputted, and the contents are recorded on the second storage means by the recording means, thereby transferring the contents. (rejected based on the information contained above)

Regarding **claim 21** Aoyama et al discloses the playback/recording apparatus defined further comprising a temporary storage means for temporarily storing the contents; wherein the contents are temporarily stored in the temporary storage means (fig 2, 1071, col 6, lines lines 5 – 9 illustrate HD as temporary storage)

Regarding **claim 26** Aoyama et al discloses the playback/erasing apparatus as the first apparatus further comprising a first control means for controlling the playback means (fig 2, 1010, col 5, lines 41 – 43) and erasing means (fig 2, 1070, col 6, lines 20 – 24 illustrates deleting data); wherein the playback means and erasing means are controlled by the first control means, thereby performing transfer of the contents. (fig 2, 1010 and 1070 together with 1020 perform transfer of contents)

Claims 10, 13 and 18 are rejected based on claim 6 above

Claims 22 and 23 are rejected based on claim 21 above

Claims ~~21~~ 29, 42, and 82 are rejected based on claim 26 above

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

Ogino (US 6433946) discloses method and device for controlling information signal recording.

Yamamoto et al (US 6904227) discloses device and method for editing video and/or audio data recorded in a disc storage medium.

Hirai (US 6839503) discloses transfer apparatus and recording control system using a transfer control method selected based on a transfer rate of data.

Kawamae et al (US 6578149) discloses a method for producing data, apparatus for reproducing data, method for coding data, method for recording data.

Kori et al (US 6480607) discloses an encrypted reproducing transmitting and processing method and apparatus with separately encrypted control data.

Ogino (US 6427047) discloses an apparatus and method for detecting the unauthorized duplication of a signal.

Kori et al (US 5778064) discloses an apparatus and method for processing a high definition video signal.

Kim et al (US 5799081) discloses an illegal view/copy protection method and apparatus for digital broadcasting system.

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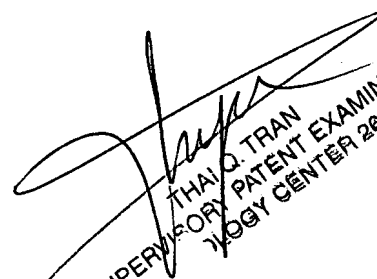
Art Unit: 2621

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Y. Hasan whose telephone number is 571-270-1082. The examiner can normally be reached on 9/8/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S.Y.H.
10/12/2007



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